

# **Mt. Hood Section by Section**

## **Title I – Wilderness Area Designations**

### *Sec. 101. Purpose.*

To designate approximately 77,500 acres of National Forest System land in the Mount Hood National Forest as wilderness - a 41% increase of designated wilderness on Mt. Hood and the first new wilderness on the mountain in 21 years (second largest designation of wilderness on the Mt. Hood National Forest).

### *Sec. 102. Wilderness Designations.*

The following areas are designated as wilderness

- Big Bottom Wilderness
- Bull of the Woods Wilderness
- Cooper Spur Wilderness
- Gorge Ridgeline Wilderness
- Mount Hood Wilderness Additions
- Roaring River Wilderness
- Salmon Huckleberry Wilderness Additions

The Secretary shall submit to Congress a legal description of each wilderness area. The maps and legal descriptions shall have the force of law but the Secretary may correct technical errors. The maps shall be filed and made available for public inspection. It is the intent of Congress that wilderness designations do not incorporate private inholdings. If any private property is included, the property owner shall continue to have reasonable access. It is the intent of Congress that the Roaring River Wilderness boundary shall not include the Oak Grove Hydroelectric Project's transmission lines along State Hwy 224. Nothing in this subsection is intended to establish a precedent with regard to designation of Federal land as wilderness.

### *Sec. 103. Administration of Wilderness Areas.*

Land designated as wilderness shall be administered by the Secretary in accordance with the Wilderness Act. Language in this section is consistent with other wilderness legislation.

Subject to valid existing rights, land designated as wilderness is withdrawn from

- Entry, appropriation, or disposal under the public land laws;
- Location, entry, and patent under the mining laws; and
- Disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Allowed activities:

- In accordance with the Wilderness Act, the Secretary may take such measures in the wilderness areas as are necessary for the control and prevention of fire, insects, and disease.
- Installation and maintenance of hydrologic, meteorologic, or climatological instrumentation in the wilderness areas if the Secretary determines it is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas.
- Low-level overflights of military aircraft, the designation of new units of special airspace, and the use or establishment of military flight training routes over the wilderness.
- Grazing of livestock and the maintenance of existing facilities.
- Management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in the wilderness consistent with applicable wilderness management plans. It is the intent of Congress that the Secretary be able to conduct the Bull Trout restoration project

ongoing in Clear Branch Creek west of Laurance Lake, to restore historic populations and habitat.

- The Secretary shall ensure that Indian tribes have access to the wilderness areas for these purposes. At the request of a tribe, the Secretary may temporarily close to the general public specific portions of the wilderness to protect the privacy of members of the tribe in the conduct of these activities. Access to the wilderness areas under this subsection shall be provided in accordance with the Wilderness Act and the American Indian Religious Freedom Act.

Nothing in this Act creates protective perimeters or buffer zones around the National Forest System land designated as wilderness and the fact that nonwilderness activities or uses can be seen or heard from the wilderness shall not preclude the conduct of those activities or uses outside the boundary.

*Sec. 104. Foot Bridge Replacement.*

It is the intent of Congress that the foot bridge crossings in the expanded Mt. Hood Wilderness shall be maintained, and when needed, replaced, to ensure public access and safety.

**Title II—Wild and Scenic River Designations**

*Sec. 201. Purpose.*

To designate approximately 23 miles of waterways within Mt. Hood NF as additions to the National W/S Rivers System.

*Sec. 202. Wild and Scenic River Designations.*

- 4.1 miles S. Fork, Clackamas River (Scenic)
- 8.3 miles Eagle Creek (Wild 7.2), (Recreational 1.1)
- 3.7 miles Middle Fork, Hood River (Scenic)
- 4.6 miles S. Fork, Roaring River (Wild)
- 2.9 miles ZigZag River (Wild)

*Sec. 203. Relation to Middle Fork Irrigation District.*

- Designation of Middle Fork, Hood River shall have no impact on MFID's water rights or flow requirements.
- Designation of Middle Fork, Hood River shall not overlap any portion of MFID's operation area.

**Title III – Recreation**

*Sec. 301. Purpose.*

To recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mt. Hood National Forest.

*Sec. 302. Retention of Mount Hood National Forest Land Use Fees From Special Use Authorizations.*

Establishes a special account in the Treasury for the Mount Hood National Forest. All land use fees from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, linear rights-of-way, all other special use types shall be deposited in this account, except for those fees subject to Granger-Thye Act, the National Forest Organizational Camp Fee Improvement Act, the Commercial Filming Act, and the Federal Lands Recreation Enhancement Act. These funds shall remain available without further appropriation until expended in accordance with this Act.

*Sec. 303. Use of Funds in Special Account to Support Recreation.*

The funds may be used for:

- Trail maintenance, interpretive programs, and other activities and projects to improve recreational services to the public.
- Cooperative environmental restoration projects with non-Federal partnership groups and associations.
- Law enforcement and rescue and recovery efforts.
- Improving administration of special use authorizations.
- Preparation of documents required under NEPA.

Of the total funds received, 95% shall go to the Mt. Hood National Forest and 5% to the Regional Office for the Pacific Northwest Region of the Forest Service.

*Sec. 304. Annual Reporting Requirement.*

The Secretary shall submit to Congress an annual report specifying the total funds received under the special account for the preceding fiscal year, how the funds were allocated and expended, and the results from these expenditures.

*Sec. 305. Mount Hood National Forest Recreational Advisory Council.*

The Secretary shall establish an advisory council for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Forest, including advice and recommendations on the allocation of funds in the special account established by this Act.

The advisory council shall:

- Review projects proposed by the Secretary regarding (a) installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety such as trails and upgrading water systems; (b) interpretation, visitor information, services, visitor needs assessments, signage, Leave-No-Trace materials, and wilderness rangers; (c) habitat restoration related to recreation such as improving habitat around trails converted from closed or decommissioned roads; and (d) law enforcement related to public use and recreation and public safety, emergency, search and rescue.
- Propose projects to the Secretary.
- Recommend funding levels for projects described above.
- Provide opportunity for public participation.

The Council members will be appointed by the Regional Forester not later than 180 days after the enactment of this Act. Members shall serve three year terms and may be reappointed to subsequent terms. The Regional Forester shall make appointments to fill vacancies. Members of the Advisory Council will not receive compensation for their service.

Composition of the Advisory Council:

- (1) Summer non-mechanized recreation, such as hiking.
- (2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.
- (3) Mountain biking.
- (4) Hunting and fishing.
- (5) Summer motorized recreation, such as off-highway vehicle use.
- (6) Local environmental groups.
- (7) Winter motorized recreation, such as snowmobiling.
- (8) Permitted ski areas.
- (9) Forest products industry.

- (10) Affected Indian tribes.
- (11) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or included within the Mt. Hood National Forest.
- (12) A resident of Government Camp.
- (13) State of Oregon.

A chair shall be selected by the majority of the council. The Secretary shall provide staff assistance. All meetings shall be open to the public and the Council shall maintain records. Not more than five percent of the funds may be used to provide administrative assistance to the Council.

*Sec. 306. Consideration of Conversion of Forest Roads to Recreational Uses.*

The Secretary of Agriculture shall determine whether Forest Service roads in the Mount Hood National Forest to be closed or decommissioned should be converted to enhance recreational opportunities in the Mount Hood National Forest, such as for use as single-track trails for mountain bikes. The consideration and selection of roads shall be a public process. Whenever the Secretary considers a FS road in the Mt. Hood NF for closure and decommissioning, the Secretary shall include, as one of the alternatives, consideration of converting the road to recreational uses to enhance recreation.

*Sec. 307. Improved Trail Access for Persons with Disabilities*

The Secretary of Agriculture may enter into a contract with partner organizations or individuals to design and construct a trail at a location selected by the Secretary suitable for use by persons with disabilities. The selection, preparation, and design of the trail shall be a public process in consultation with the Recreational Advisory Council.

## **Title IV—Transportation**

*Sec. 401. Purpose.*

To support the development of an integrated, multi-modal transportation plan for the Mt. Hood region that will promote economic development, preserve landscapes, and enhance public safety.

*Sec. 402. Mt. Hood Region Defined*

The Mt. Hood Region is defined as Mt Hood National Forest and other areas immediately surrounding Mt. Hood, as well as the Highway 26 and Highway 35 corridors in and near the Mt. Hood National Forest, other State, county and Forest Service roads in and near the national forest, and the gateway communities along these corridors.

*Sec. 403. Transportation Plan*

The Secretary of Agriculture shall work with State of Oregon to develop an integrated, multi-modal transportation plan for the Mt Hood region.

- The plan shall conform with Federal and Oregon transportation planning requirements, and be the result of a collaborative process.
- The plan shall address (1) transportation of people to and from the Mt. Hood region on major corridors (2) transportation of people from place to place within the Mt. Hood region.
- The plan shall consider: a) transportation alternatives between recreation areas in the Mt. Hood region; b) park and ride at gateway communities; c) intermodal transportation centers (e.g. transportation “hub”; d) a new interchange on Highway 26 in or near Government Camp; e) developing alternative emergency routes; f) reconstruction of Highway 35 from Mineral Creek to Baseline Road; g) mechanisms for funding the plan’s implementation.

- The plan shall be completed within two years from the time which funding for its preparation is first made available.
- \$1,000,000 shall be available to prepare the plan under Section 1117 of SAFETEA-LU for Transportation, Community, and System Preservation Program.

*Sec. 404. Study Regarding Gondola Connection and Intermodal Transportation Center*

- The Secretary of Agriculture shall study the feasibility of establishing a gondola connection between Timberline Lodge and Government Camp, Oregon, in the vicinity of the historic gondola corridor; and an intermodal transportation center in or near Government Camp.

**Title V – Forest and Watershed Stewardship**

*Sec. 501. Purpose.*

The purpose of this title is to promote forested landscapes resilient to catastrophic fire, insects and disease, protect homes and communities from property damage and threats to public safety, and protect and enhance existing community or municipal watersheds.

*Sec. 502. Forest Stewardship Plan*

The Secretary of Agriculture shall, in coordination with the Resource Advisory Committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 for Mount Hood National Forest and the public, prepare a plan to address areas of the Mount Hood National Forest with high incidence of insect and disease infestation, heavily overstocked stands or moderate to high risk of unnatural catastrophic wildfire, for the purpose of improving condition class, which significantly improves the forest health and water quality.

- The preparation of the plan may include improved mapping of condition class 2 and condition class 3 areas and other areas identified above.
- Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 shall also apply to the preparation and any revisions to the plan. This requires the Secretary to make the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.
- The Secretary shall complete development of the forest stewardship plan not later than one year after the date of the enactment of this Act and the plan shall cover a 10-year period. The Secretary shall commence implementation of the forest stewardship plan as soon as practicable.
- The plan is intended to be implemented using existing authorities available to the Secretary to manage the Mount Hood National Forest. Nothing in this section grants the Secretary any authority to manage the national forest contrary to existing law.

*Sec. 503. Sustainable Biomass Utilization Study*

The Secretary shall conduct a study to assess the amount of long-term, sustainable biomass available on the Mount Hood National Forest that could be available as raw material for the production of energy, dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, pulp for paper or other commercial purposes. Biomass is defined as small diameter trees and understory vegetation that is removed from forested land as a byproduct of forest restoration efforts.

*Sec. 504. Watershed Management Memorandums of Understanding.*

Directs Secretary of Agriculture to complete memorandums of understanding with irrigation districts and municipalities that outline stewardship goals to manage watersheds for water quality and quantity, where such MOU's do not currently exist.

- MOU's shall encourage adaptability, establish benchmarks regarding water quality and quantity, and require monitoring to determine progress in meeting the benchmarks. MOU's may restrict public access to the watershed where appropriate.
- Requires Secretary to ensure that MOU's are based on collaboration and cooperation between the Forest Service, local jurisdictions, and other interested persons.
- Requires Secretary and parties to proposed MOU's to hold at least one joint public meeting before completing final draft of MOU. The draft MOU shall be open to public comment before being finalized.

## **Title VI—Crystal Springs Watershed Management Unit**

### *Sec. 601. Purpose.*

To establish a special resources management unit to ensure protection of the water quality and quantity of the Crystal Springs watershed.

### *Sec. 602. Establishment of Crystal Springs Watershed Special Resources Management Unit.*

Establishes a special resources management unit consisting of all National Forest land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, and other National Forest land in and around the Inn and Cooper Spur and the Cooper Spur Ski Area, as depicted on the official map.

- The special resources management unit shall be called the Crystal Springs Watershed Special Resources Management Unit.
- The Management Unit does not include any National Forest land that is designated wilderness in Title I.
- The National Forest system land included in the Management Unit is permanently withdrawn from all forms of appropriation under public land laws.
- The Secretary shall submit a legal description of the Management Unit as soon as practicable, after the date of the final closing of the Cooper Spur-Government Camp land exchange.
- The Secretary may correct errors in the official map and legal descriptions.
- The map shall be filed and made available for public inspection in the appropriate office of the Forest Service.

### *Sec. 603. Administration of Management Unit*

All other laws and regulations affecting National Forest lands shall continue to apply to the National Forest lands included in the Management Unit, except as provided in this title.

- Only activities described in this subsection may occur in the Management Unit. The Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after a) obtaining the review and opinions of the Crystal Springs Water District, b) complying with all applicable Federal law regarding development and implementation of the activity, and c) providing to the public advance notice, an opportunity to comment, and appeal rights regarding the activity.
- The Secretary may:
  - Continue to maintain recreational opportunities and trails within existing and historic footprints.
  - Lease improvements and facilities to designated concessionaires, within their existing and designated footprints.
  - Sell the Inn at Cooper Spur and the Cooper Spur Ski Area.

- Maintain roads in existence as of the effective date of the Management Unit's establishment. Maintenance may include culvert installation, drainage improvements, and similar activities.
- Permit non-commercial and pre-commercial fuel reduction up to 400 feet out from historic and other structures on National Forest System land and homes on adjacent private lands.
- Conduct fuel reduction and forest health management activities with priority given to activities that restore previously harvested stands using non-commercial and pre-commercial means, the purpose of which is restoring late-successional, fire resilient forest structures. Pre-commercial activity means cutting smaller diameter trees from younger stands and does not preclude the sale of trees cut for firewood or other similar purposes.
- The following activities are prohibited in the Management Unit:
  - New road construction or renovation of existing, unused roads.
  - Commercial timber harvesting.
  - Domestic livestock grazing.
  - Placement or maintenance of fuel storage tanks.
  - Application of toxic chemicals, including pesticides, herbicides, and rodenticides, except with consent of the Crystal Springs Water District.
- The Secretary shall adopt a management plan for the Management Unit that provides for the activities specifically authorized, and protects the watershed from illegal dumping, human waste, fires, vandalism and other risks to water quality.
- Secretary may require gating and closure to the general public of all Forest Service roads within the Management Unit, except for Cloud Cap Road.
- Nothing shall affect the use of or access to any private property in the Crystal Springs watershed by the property owners and their guests.
- The Crystal Springs Water District has no authorities over management or use of National Forest land included in the Management Unit.

*Sec. 604. Acquisition of Lands.*

The Secretary may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of the Mt. Hood NF. Lands so acquired shall automatically be added to the Management Unit.

The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit.

*Sec. 605. Effective Date.*

The Management Unit shall be established within 30 days after the date of the final closing of the Cooper Spur-Government Camp land exchange authorized in Title VIII. The Management Unit may not be established before the final closing of the land exchange.

**Title VII – Local and Tribal Relations**

*Sec. 701. Purpose*

To recognize and support the ability of Native Americans to continue to gather huckleberries and other first foods in the Mount Hood National Forest using traditional methods and the central role of the State of Oregon and local governments in managing for issues dealing with natural and developed environments in the vicinity of the national forest.

#### *Sec. 702. First Foods Gathering Areas*

The Secretary shall identify, establish, develop and manage priority-use areas in the Mt. Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. Priority use areas shall be consistent with the MOU entered into between the USDA, BLM, BIA, and Warm Springs Tribe dated April 23, 2003.

- Members of Indian tribes with treaty reserved gathering rights on lands encompassed by the MHNH shall have exclusive rights to gather First Foods in the priority use areas.
- The Secretary shall comply with land and resource management plan for Mt. Hood NF and applicable laws in considering and selecting priority use areas.
- First Foods means roots, berries and plants gathered for traditional and cultural purposes.

#### *Sec. 703. Forest Service Coordination with State and Local Governments*

Congress encourages the Secretary to cooperate with the State of Oregon, local communities, counties, and Indian tribes in the vicinity of the Mount Hood National Forest and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for the management of the Forest and non-Federal land in the vicinity.

#### *Sec. 704. Savings Provisions Regarding Relations with Indian Tribes*

Nothing in this Act is intended to alter enlarge, or diminish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855.

- Nothing in this Act is intended to affect the lands held in trust the Secretary of Interior for Indian tribes or individual members of Indian tribes acquired by the Army Corps of Engineers, and
- Nothing in this Act is intended to affect laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

#### *Sec. 704. Improved Natural Disaster Preparedness*

New development occurring on land conveyed under title VIII or otherwise permitted by the Secretary after this Act's date of enactment shall be constructed or altered in compliance with one of the nationally recognized model building codes or wildland-urban interface codes.

The codes imposed shall be consistent with the nationally recognized codes adopted by the State of Oregon or political subdivisions of the State. This section shall not limit the power of the State of Oregon to implement or enforce any law, rule, regulation or standard concerning fire prevention. The codes may be enforced by the same entities otherwise enforcing building codes.

### **Title VIII—Land Conveyances**

#### **Subtitle A—Cooper Spur-Government Camp Land Exchange**

##### *Sec. 801. Purpose.*

This subtitle recognizes years of work by local residents and political and business leaders throughout OR and WA to protect the north side of Mt. Hood and bring to culmination the land exchange authorized by Section 802. Numerous public hearings were held, and broad public support was voiced for the consummation of the exchange.

##### *Sec. 802. Cooper Spur-Government Camp Land Exchange.*

The Secretary of Agriculture shall convey to Mt. Hood Meadows—



- A parcel of land in Mt. Hood NF consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the official map.
- A parcel of land in Mt. Hood NF consisting of approximately 40 acres in Government Camp, as depicted on the official map.

Mt. Hood Meadows shall convey to the United States—

- A parcel of private land consisting of approximately 770 acres at Cooper Spur.
- The 1350 acre special use permit for the Cooper Spur Ski Area.
- All buildings, furniture, fixtures and equipment at the Cooper Spur Ski Area.

The values of the land and other property to be conveyed are derived from appraisals that were performed in 2005 by Steve Hall, Oregon State Certified General Appraiser.

- The appraised value of the federal land to be conveyed is \$3,810,000.
- The appraised value of the private land and property to be conveyed is \$5,535,000. In this appraisal, the special use permit is not assigned a value.
- The amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows exceeds the appraised value of the land conveyed by the Secretary is \$1,725,000 and represents a donation to the United States.

The Secretary shall complete all legal and regulatory processes required in connection with the conveyance and complete the closing of conveyances within eight months after the date of this Act's enactment.

- The Secretary may not convey any of the land acquired by the United States.
- Any subsequent sale or lease of improvements acquired by the United States may not be made to Mt. Hood Meadows.

#### *Sec. 803. Treatment of Inn at Cooper Spur and the Cooper Spur Ski Area.*

The Secretary shall solicit a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area within 60 days after the date of enactment. The Secretary may enter into contract any time after the closing of the land exchange under Section 802.

- The process by which prospective concessionaries may bid for the right to operate the Inn at Cooper Spur of the Ski Area (or both together) shall be open, and will consider all values, not just the highest dollar amount.
- The Secretary shall work collaboratively with Mt. Hood Meadows, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission in selecting a new concessionaire.
- Mt. Hood Meadows may not be selected as a concessionaire. However, they may be issued a short-term Special Use Permit for 1 year, under terms similar to the Cooper Spur Ski Area Special Use Permit in existence on the date of enactment of this Act. The permit may not be extended.
- All funds pursuant to a concession contract under this section shall be deposited in the fund established by PL90-171 for use in the Mt. Hood National Forest, with priority given to the Hood River Ranger District for restoration projects on the N. side of Mt. Hood.

#### *Sec. 804. General Provisions.*

The exchange of federal land under section 802 is subject to existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service.

Title to the non-Federal land must be acceptable to the Secretary and conveyances shall be subject to valid existing rights of record.

The exact acreage and legal description of the land to be exchanged shall be determined by surveys. The Secretary shall bear the costs of these surveys as well as other administrative costs incurred to execute this exchange.

#### Subtitle B—Other Land Exchanges

##### *Sec. 811. Land Exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.*

- The Secretary of Agriculture may convey to the Port of Cascade Locks a parcel of National Forest land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the Official Map.
- The Port shall convey to the United States approximately 40 acres as depicted on the Official Map. The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public's ability to access the north Oregon entrance of the trail.
- The values of the land to be exchanged shall be determined pursuant to an appraisal acceptable to the Secretary and the Port.
- The exchange of federal land under section 802 is subject to existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service.
- Title to the non Federal land must be acceptable to the Secretary and conveyances shall be subject to valid existing rights of record.
- The exact acreage and legal description of the land to be exchanged shall be determined by surveys. The Secretary shall bear the costs of these surveys as well as other administrative costs incurred to execute this exchange.
- The Secretary shall complete all legal and regulatory processes required in connection with the conveyances under this section, and complete the closing of conveyances within eight months after the Act's date of enactment.